

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS EDWARDS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:11-CR-229

JUDGE GREGORY L. FROST

MAGISTRATE JUDGE KEMP

ORDER

On November 17, 2015, this Court issued an *Order* transferring the instant motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 to the United States Court of Appeals for the Sixth Circuit as successive. (ECF No. 135.) This matter is before the Court on Petitioner's *Motion to Court's Failure to Follow Local Rule to Serve Petitioner*. (ECF No. 137.)

Petitioner states that he did not receive a copy of the Magistrate Judge's *Report and Recommendation* so as to permit him to file an objection. On November 17, 2015, Petitioner advised the Court of his current address, but the docket indicates that notice was delivered to his prior address. (See ECF Nos. 133, 134.)

Therefore, the *Order* adopting the *Report and Recommendation* without consideration of an objection (ECF No. 135) is **VACATED**.

Petitioner may file any objection to the Magistrate Judge's *Report and Recommendation* within fourteen days. The failure to do so will result in a waiver of the right to have the district judge review the *Report and Recommendation de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

/s/ GREGORY L. FROST

GREGORY L. FROST

United States District Judge